

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion is respectfully requested.

Claims 1-9 are currently pending in the application. Claims 1, 2, 5, 6 and 8 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is added.

In the outstanding Official Action, Claims 1-9 were objected to because of minor informalities; Claims 1-5 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 1, 3-7 and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by Sakellariadis (Spyros Sakellariadis, "Using Exchange Server with SMTP and POP3", June 1998, <http://www.windowsitpro.com/Windows/Article/ArticleID/3475/3475.html>); Claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sakellariadis in view of Leeds (Leeds, U.S. Pub. 20020016824 A1); Claims 1, 3-7 and 9 were rejected under 35 U.S.C. § 103(a) as being anticipated by Robichaux (Paul Robichaux, "Managing Microsoft Exchange Server, ISBN: 156592459, July 1999) in view of Sakellariadis; Claims 2 and 8 were rejected under 35 U.S.C. § 103(a) as being anticipated by Robichaux in view of Sakellariadis and Leeds; and Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaudreuil (U.S. Patent No. 5740230) in view of Farrow et al. (U.S. Patent No. 6374295).

In the outstanding Official Action, Claims 1-9 were objected to for using both the terms "the" and "said" to indicate reliance on antecedent basis. While Applicant notes that these terms are synonyms in the claim language context, the claims are amended to replace all occurrences of the term "said" with "the".

¹ e.g., specification, Figs. 3-4 and pp. 4-6.

Accordingly, Applicant respectfully requests that the objection to Claims 1-9 be withdrawn.

Claims 1-5 and 8 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Regarding Claims 1 and 5, the Official Action cites the phrase “client profiles” as failing to have antecedent basis. However, the above-noted cited recitation of this phrase is the first time “client profiles” appears in the claims, thus, no antecedent basis is relied upon for these features. Nonetheless, to provide further clarification, Claims 1 and 5 are amended to recite “client profile data managed by the message broker”.

Claims 2 and 8 were rejected to because the Official Action cited the phrase “to provide for security and authentication”, as indefinite asserting that “authentication” is a subset of “security”. In response, Claims 2 and 8 are amended to recite only “to provide security”.

Accordingly, in light of the above noted discussion, Applicant respectfully submits that Claims 1-5 and 8 are definite and particularly point out and distinctly claim the subject matter which applicant regards as the invention. Therefore, Applicant respectfully requests that the rejection of Claims 1-5 and 8 were rejected under 35 U.S.C. § 112, second paragraph, be withdrawn.

Independent Claims 1, 5 and 6 are directed to an electronic messaging system, which is able to send any kind of electronic message. A message sent by a first client contains meta information that is extracted by a first message gateway. This meta information is then forwarded to a message broker that selects an appropriate second message gateway corresponding to the second (e.g., receiving) client, the selection being carried out by the message broker on the basis of said meta information and the client profile data managed by the message broker.

The use of client profile data managed by the message broker, and the meta data extracted from the message directly influences the choice of the second message gateway. The client profile data is also taken into consideration by the message broker when the message broker determines a message conversion to be applied to the message content before it is sent to the second message gateway and the second client.

Specifically, amended independent Claim 1 recites, *inter alia*, a method for transmitting messages in a distributed system, the method comprising:

receiving a message from a sending client by a first message gateway, extracting meta information from the received message, transmitting the meta information from the first message gateway to a message broker while keeping the received message at the first message gateway,
selecting, by the message broker, a second message gateway and a message conversion on the basis of the meta information and client profile data managed by the message broker,
transmitting modified meta information including message messaging information from the message broker to the first message gateway, and
transmitting the message from the first message gateway to the selected second message gateway so that the second message gateway can transfer the message to a target client,
wherein the message broker is an entity physically separated from the first and second message gateways.

Claims 1, 3-7 and 9 were rejected under 35 U.S.C. § 102(b) as anticipated by Sakellariadis. Applicant respectfully submits that amended independent Claims 1, 5 and 6 state novel features clearly not taught or rendered obvious by the applied references.

Turning to the applied references, Sakellariadis describes an SMTP transport mechanism for exchanging emails. A first client that wants to send an email to a second client transmits an email to an internet mail gateway belonging to the same network as the first client. The internet mail gateway then extracts the target address of the second client from the email and forwards this target address to a DNS server. In response, the DNS server returns the mail exchanger (MX) and address (A) records for the domain, which is the address of the target mail server of the second client. Having received the address of the

target server, the internet mail gateway of the first client can then send the email to said target mail server which forwards the email to the second client.

In contrast, amended independent Claim 1 recites *selecting, by the message broker, a second message gateway and a message conversion on the basis of the meta information and client profile data managed by the message broker*. Sakellariadis fails to teach or suggest, at any point, using client profile data in order to choose a second message gateway and a message conversion.

Accordingly, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 102(b) be withdrawn. For substantially similar reasons provided above with respect to amended independent Claim 1, it is also submitted that independent Claims 5 and 6, as amended, patentably define over Sakellariadis.

Claims 2 and 8 were rejected 35 U.S.C. § 103(a) as unpatentable over Sakellariadis and in further view of Leeds. However, as discussed above, Sakellariadis fails to teach or suggest the above-noted features recited in amended independent Claim 1. Likewise, Leeds fails to remedy this deficiency, and therefore, none of the cited references, neither alone nor in combination, teach or suggest Applicant's Claims 2 and 8 which includes the above distinguished features by virtue of dependency. Therefore, the applied references do not provide a *prima facie* case of obviousness with regard to any of these claims.

Accordingly, Applicant respectfully requests the rejection of Claims 2 and 8 under 35 U.S.C. § 103 be withdrawn.

Claims 1, 3-7 and 9 were rejected under 35 U.S.C. § 103(a) as being anticipated by Robichaux in view of Sakellariadis. Applicant respectfully submits that amended independent Claims 1, 5 and 6 state novel features clearly not taught or rendered obvious by the applied references.

Robichaux describes a messaging architecture wherein a client, after having composed a message, transfers the message to its message gateway (local server IS). The address of the recipient is resolved by the message gateway by means of a directory.

Robichaux, however, fails to teach or suggest selecting, by the message broker, a second message gateway *and a message conversion on the basis of the meta information and client profile data managed by the message broker*, as recited in amended independent Claim 1. In addressing this claimed feature (at item 29 of the Official Action), the Official Action asserts that that even if Robichaux does not explicitly teach a message conversion, it would be inherent to apply such a message processing because the message has to be converted to meet criteria of the particular network protocol and protocol layer.

However, as recited in amended independent Claim 1, the message conversion is selected on the basis of the meta information *and client profile data managed by the message broker*. Thus, the message conversion can be adapted not only to the protocol used but also to the needs and requirements of the client (e.g., selection based on the client profile). Robichaux, fails to teach or suggest selecting a message conversion based on *meta information and client profile data managed by the message broker*, whatsoever.

Further, “[i]n relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art.” See Ex parte Levy, 17 USPQ2d 1461, at 1464 (Bd. Pat. App. & Inter. 1990) and MPEP § 2112.

Based on the discussion above, Applicant respectfully submits that the Official Action has failed to meet the burden of providing a basis in fact and/or for technical reasoning to support the assertion that a message *must be converted* is well known and inherent based on Robichaux’s description.

Further, as noted above, Sakellariadis also fails to teach or suggest *selecting, by the message broker, a second message gateway and a message conversion on the basis of the meta information and client profile data managed by the message broker*, as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons provided above with respect to amended independent Claim 1, it is also submitted that independent Claims 5 and 6, as amended, patentably define over Robichaux and/or Sakellariadis.

Claims 2 and 8 were rejected 35 U.S.C. § 103(a) as unpatentable over Sakellariadis, Robichaux and in further view of Leeds. However, as discussed above, neither Sakellariadis nor Robichaux, neither alone nor in combination, teach or suggest the above-noted features recited in amended independent Claim 1. Likewise, Leeds fails to remedy this deficiency, and therefore, none of the cited references, neither alone nor in combination, teach or suggest Applicant's Claims 2 and 8 which includes the above distinguished features by virtue of dependency.

Accordingly, Applicant respectfully requests the rejection of Claims 2 and 8 under 35 U.S.C. § 103 be withdrawn.

Claims 1-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vaudreuil in view of Farrow. Applicant respectfully submits that amended independent Claims 1, 5 and 6 state novel features clearly not taught or rendered obvious by the applied references.

Vaudreuil describes a system for transmitting messages with the possibility of converting the messages. Col. 8, lines 10-20 of Vaudreuil describes that when the media or format of the message must be converted, a media translator is used to perform media and other forms of translation on messages stored in a message store. Further, at col. 10, lines 20-

31, the media translator is said to perform the translations of messages from one media to another such as for example the translation of an electronic mail message into a voice message using a text to speech system.

However, as discussed above, independent Claim 1 is amended to recite *selecting, by the message broker, a second message gateway and a message conversion on the basis of the meta information and client profile data managed by the message broker*. Vaudreuil fails to teach or suggest this claimed feature, only describing (col. 20, lines 9-11) that the media translation may be accomplished according to the desires of the message recipient. At no point, however, does Vaudreuil describe *selecting... a message conversion on the basis of the meta information and client profile data managed by the message broker*, as recited in amended independent Claim 1.

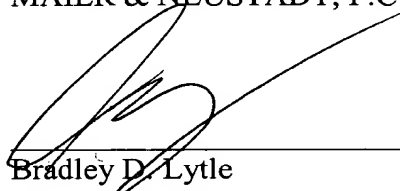
In the outstanding Official Action, Farrow is relied upon only to describe the transmission of extracted meta data from the message gateway to the message broker. Farrow, however, also fails to teach or suggest *selecting, by the message broker, a second message gateway and a message conversion on the basis of the meta information and client profile data managed by the message broker*, as recited in amended independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of Claim 1 under 35 U.S.C. § 103 be withdrawn. For substantially similar reasons provided above with respect to amended independent Claim 1, it is also submitted that independent Claims 5 and 6, as amended, patentably define over Vaudreuil and/or Farrow.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-9 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Andrew T. Harry
Registration No. 56,959

BDL/ATH/les
I:\ATTY\ATH\PROSECUTION\28'S\282841US-AM.DOC